

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTHONY GARVER ,

Petitioner,

v.

STATE OF WASHINGTON ,

Respondent.

CASE NO. 2:23-cv-01429-RAJ-BAT

**ORDER FOR SERVICE AND  
ANSWER § 2254 PETITION**

This is a federal habeas action filed under 28 U.S.C. § 2254. The Court, has reviewed petitioner's federal habeas petition (Dkt. 10) and ORDERS as follows:

(1) The Clerk shall arrange for service by email upon respondent and upon the Attorney General of the State of Washington, copies of the habeas petition, all documents in support thereof, (Dkt. 10) and this Order. The Clerk shall also provide a copy of this Order and of the Court's *pro se* instruction sheet to petitioner.

(2) Within ***forty-five (45) days*** after such service, respondent shall file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District Courts. As part of such answer, respondent shall state whether petitioner has exhausted available state remedies and whether an evidentiary hearing is necessary. Respondent shall not file a dispositive motion in place of an answer without first showing cause as to why an answer is

1 inadequate. Respondent shall file the answer with the Clerk of the Court and serve a copy of the  
2 answer on petitioner.

3 (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face  
4 of the answer, respondent shall note it for consideration on the fourth Friday after filing.  
5 Petitioner may file and serve a response not later than the Monday immediately preceding the  
6 Friday designated for consideration of the matter, and respondent may file and serve a reply not  
7 later than the Friday designated for consideration of the matter.

8 (4) Filing by Parties, Generally

9 Because Petitioner is detained in a facility operated by the Department of Corrections, he  
10 must utilize the prison electronic filing system and procedure. All attorneys admitted to practice  
11 before this Court must file documents electronically via the Court's CM/ECF system. All filings  
12 must indicate in the upper right-hand corner the name of the magistrate judge to whom the  
13 document is directed.

14 Any document filed with the Court must be accompanied by proof that it has been served  
15 upon all parties that have entered a notice of appearance in the underlying matter.

16 (5) Motions

17 Any request for court action shall be set forth in a motion, properly filed and served.  
18 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
19 part of the motion itself and not in a separate document. The motion shall include in its caption  
20 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
21 consideration on the Court's motion calendar.

22 (6) Direct Communications with District Judge or Magistrate Judge

1 No direct communication is to take place with the District Judge or Magistrate Judge with  
2 regard to this case. All relevant information and papers are to be directed to the Clerk.

3 DATED this 12<sup>th</sup> day of October, 2023.

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6 BRIAN A. TSUCHIDA  
United States Magistrate Judge